

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY APRIL 4, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1807

Introduced by Assembly Member Bonta

February 8, 2016

An act to amend Section 10083.2 of the Business and Professions Code, relating to real estate ~~licensees~~, *licensees*, making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1807, as amended, Bonta. Real estate licensees.

The Real Estate Law provides for the licensure and regulation of real estate brokers and real estate salespersons by the Bureau of Real Estate, headed by the Real Estate Commissioner. *Fees charged and collected under the Real Estate Law, except as otherwise provided, are deposited into the Real Estate Fund and continuously appropriated for use by the commissioner, as specified.* Existing law requires the commissioner to provide on the Internet specific information regarding the status of every license issued by the department.

This bill would require the commissioner, upon petition by a licensee accompanied by a specified fee, to remove from the posting of discipline an item that ~~through passage of time has been noticed on the bureau's Internet Website for at least 10 years and for which the licensee provides~~ evidence of rehabilitation *indicating that the notice* is no longer required to prevent a credible risk to members of the public utilizing licensed activity of the licensee. *Because the fees collected pursuant to these provisions would be deposited in the Real Estate Fund, which is*

continuously appropriated, the bill would make an appropriation. The bill would also require the bureau to develop, through regulations, the minimum information to be included in a licensee's petition, including, but not limited to, a written justification and evidence of rehabilitation.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) It is appropriate for the Bureau of Real Estate to continue
3 to report on its license verification Internet Web page when
4 discipline has been imposed upon a licensee for conduct that
5 indicates a credible risk of financial or physical harm to members
6 of the public in the future.

7 (b) It is appropriate for the Bureau of Real Estate to consider
8 and grant on a case-by-case basis a licensee's petition to
9 discontinue the reporting of past disciplinary actions when the
10 petitioning licensee has demonstrated to the satisfaction of the
11 Real Estate Commissioner that the continued reporting is no longer
12 required in order to avoid or reduce such a risk to the public.

13 (c) The Bureau of Real Estate may require a petitioner to pay
14 in advance of consideration a fee to defray costs associated with
15 consideration of the petition.

16 (d) Nothing in this act shall be construed to authorize or require
17 the destruction of public records maintained pursuant to the
18 California Public Records Act (Chapter 3.5 (commencing with
19 Section 6250) of Division 7 of Title 1 of the Government Code),
20 or to refuse a request for production of such a record.

21 (e) The Legislature intends by this act to establish a process by
22 which a licensee may petition the Bureau of Real Estate to remove
23 a notice of past discipline from the license verification Internet
24 Web page of the bureau.

25 SEC. 2. Section 10083.2 of the Business and Professions Code
26 is amended to read:

27 10083.2. (a) The commissioner shall provide on the Internet
28 information regarding the status of every license issued by the
29 department in accordance with the California Public Records Act
30 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
31 Title 1 of the Government Code) and the Information Practices

Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by the department and accusations filed pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) relative to persons or businesses subject to licensure or regulation by the department. The information shall not include personal information, including home telephone number, date of birth, or social security number. The commissioner shall disclose a licensee's address of record. However, the commissioner shall allow a licensee to provide a post office box number or other alternate address, instead of his or her home address, as the address of record. This section shall not preclude the commissioner from also requiring a licensee who has provided a post office box number or other alternative mailing address as his or her address of record to provide a physical business address or residence address only for the department's internal administrative use and not for disclosure as the licensee's address of record or disclosure on the Internet.

(b) For purposes of this section, "Internet" has the meaning set forth in paragraph (6) of subdivision (f) of Section 17538.

(c) Upon petition by a licensee accompanied by a fee sufficient to defray costs associated with consideration of a petition, the commissioner shall remove from the posting of discipline described in subdivision (a), an item that ~~through passage of time has been noticed on the bureau's Internet Web site for no less than 10 years~~ and for which the licensee provides evidence of rehabilitation indicating that the notice is no longer required in order to prevent a credible risk to members of the public utilizing licensed activity of the licensee.

(d) *The bureau shall develop, through regulations, the minimum information to be included in a licensee's petition, including, but not limited to, a written justification and evidence of rehabilitation pursuant to Section 482.*